

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

TOMAS RUIZ, <i>et al.</i> ,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	CIVIL ACTION NO. H-08-1692
	§	
	§	
GVMS, INC., <i>et al.</i> ,	§	
	§	
Defendants.	§	

**ORDER**

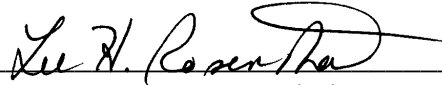
The plaintiffs, Tomas Ruiz and Rojelio Martinez, sued GVMS, Inc., GVHC, Inc., GV Marine Services, and George Sacarias Vasquez (together, “GVMS”). In the complaint, the plaintiffs alleged that the defendants violated the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201 *et seq.*, by failing to pay overtime for hours worked in excess of forty hours in a workweek. The case was certified as a collective action and notice issued. Several individuals filed consents to join the action. The parties have jointly moved for approval of a settlement agreement and to enter final judgment.

The FLSA provides that “any employer who violates the provisions of section 206 or 207 of this title shall be liable to the employee . . . affected in the amount of unpaid wages, or their unpaid overtime compensation, as the case may be . . . .” 29 U.S.C. § 216(b). FLSA claims may be compromised after the court reviews and approves a settlement in a private action for back wages under 29 U.S.C. § 216(b). *Lynn's Food Stores, Inc. v. United States, U.S. Dep't of Labor*, 679 F.2d

350, 1353 (11th Cir.1982). If the settlement reflects “a reasonable compromise over issues,” the court may approve it. *Id.* at 1354.

In this case, there are genuine disputes over whether the FLSA applies to the plaintiffs and the amount, if any, of overtime pay and attorney’s fees due. This court has reviewed the settlement agreement and finds that the amount to be paid to the plaintiffs and the amount of attorney’s fees provided for in the settlement agreement are fair and reasonable. This court approves the proposed settlement as a fair and reasonable compromise of a bona fide dispute under the FLSA. The motion for approval is granted. Final judgment will be entered by separate order.

SIGNED on September 25, 2009, at Houston, Texas.

  
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Lee H. Rosenthal  
United States District Judge